

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JOANNE M. ROYER,)
Plaintiff)
)
V.)
)
BLUE CROSS BLUE SHIELD)
OF MASSACHUSETTS, INC.,)
BLUE CROSS BLUE SHIELD)
LONG-TERM DISABILITY BENEFIT)
PLAN, a/k/a OMNIBUS WELFARE)
BENEFITS PLAN)
KEMPER NATIONAL SERVICES, INC.,)
BROADSPIRE SERVICES, INC., and)
SHELDON MYERSON, MD.,)
Defendants)

CIVIL ACTION NO:
NO: 05-CV-10448-GAO

**PLAINTIFF'S MOTION FOR RECONSIDERATION OF THE COURT'S
DISMISSAL OF COUNTS I AND II AS TO THE DEFENDANTS,
KEMPER, BROADSPIRE AND DR. MEYERSON; THE COURT'S DISMISSAL AS
TO COUNT III, AS TO THOSE SAME DEFENDANTS; AND THE COURT'S
DISMISSAL OF COUNT IV IN ITS ENTIRETY.**

Now comes the Plaintiff and with regard to the action taken by the court on or shortly after January 19, 2006, moves the court to reconsider its action and upon reconsideration, to reinstate Counts I and II as to the Defendants Kemper, Broadspire and Dr. Meyerson as well as to reinstate Counts III and IV.

In support thereof, counsel for the Plaintiff says that until such time as all parties have timely filed their Motions For Summary Judgment, their Oppositions and their Replies, it would be premature under the circumstances for the court to "prejudge," who is and who is not a proper Defendant to these proceedings.

CERTIFICATION UNDER LOCAL RULE 7.1(a)(2)

Counsel for the Plaintiff conferred with Defendant counsel on concerning the issues presented by this motion and have attempted without success to resolve or narrow the issues.

WHEREFORE, the Plaintiff moves that the issues raised by the Defendants' Motions To Dismiss be reconsidered and upon reconsideration, be reversed to avoid prejudicial and possible reversible error to the Plaintiff.


REQUEST FOR ORAL ARGUMENT

Counsel for the Plaintiff believes that oral argument may assist the court and wishes to be heard and therefore doe hereby request oral argument.

Dated: February 17, 2006

The Plaintiff JoAnne M. Royer by her Attorney:

s/


BERNARD A. KANSKY, ESQ.

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